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SUBJECT: POLAND'S INITIATIVES TO COUNTER TORTURE

REF: STATE 70129

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11. (SBU) SUMMARY. Polish government and non-governmental organizations actively engage in activities which aim at preventing torture and protecting victims both in country and abroad. The GOP's initiative on counter-torture activities notwithstanding, allegations about the existence of CIA secret prisons in Poland continue to be a subject of NGO attention, media scrutiny, and public debate. END SUMMARY.

GOVERNMENT ACTION TO COUNTER TORTURE

12. (SBU) Poland signed the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2004 and ratified it in 2005. By signing and ratifying this document, Poland accepted an obligation to establish an independent and competent office referred to as National Preventive Mechanism (NPM), which is responsible for monitoring the situation in prisons and other detention facilities. In January 2008, the Ministry of Justice assigned the tasks of the NPM to the independent Office of the Human Rights Ombudsman. Under the NPM, the Ombudsman's teams of experts carry out regular preventive visits to prisons, detention centers, and other closed facilities. In 2008, the Ombudsman's experts visited more than 70 facilities around Poland. The results of the visitations are presented annually to the Polish Parliament. The Ombudsman also presents recommendations for improvement to appropriate ministries, which are obliged to address problems identified.

NGO COUNTER-TERROR INITIATIVES

13. (SBU) On October 26, 2007 a group of leading Polish NGOs established a coalition for implementation of the OPCAT in Poland. The coalition consists of watchdog and humanitarian organizations, such as the Helsinki Human Rights Foundation, Amnesty International, Association of Legal Intervention, and the Polish Section of the International Committee of Lawyers. The main goal of the Coalition is to contribute to the establishment of the NPM and to guarantee that it operates in accordance with international standards. The Coalition holds regular meetings with representatives of the Ombudsman's office to discuss possibilities of cooperation in carrying out NPM tasks. NGOs assist the Ombudsman by monitoring detention units, meeting with legal experts, developing tools and guidelines for monitoring detention facilities, and preparing reports and analyses related to the prevention of inhuman treatment of detainees.

14. (SBU) In addition to the coalition for OPCAT implementation, Polish NGOs and local branches of international human rights organizations are heavily engaged in countering torture and other types of ill-treatment in Poland and abroad. Amnesty International

Poland (AI) is one of the most prominent organizations active in this field. Its main initiatives include Urgent Action campaigns, through which AI volunteers encourage Polish citizens to send appeals to the officials of a country where a case of torture occurs. The "Counter Terror with Justice" campaign aims at stopping torture and ill-treatment connected with various countries' counterterrorist activities. The "Human Rights against the Wall of China" campaign aims to draw more attention to human rights violation in China. The "Darfur Can't Wait Anymore" campaign seeks to end the Darfur crisis by ensuring accountability for the perpetrators of massive ill-treatment in the region by sending letters to Presidents of Sudan and Chad, as well as Russian officials.

15. (SBU) The Warsaw-based Helsinki Foundation for Human Rights runs a Public Interest Law Action Program through which it intervenes in individual legal cases where human rights violations have allegedly occurred. One of the areas of primary focus is the excessive use of force by police, including inhuman or degrading treatment of persons detained. Under this program, the Foundation monitors ongoing trials, actively participates in criminal trials with a focus on human rights, notifies local and central government institutions about human rights violations, and provides assistance in drafting complaints to the European Court of Human Rights in Strasbourg. The Strategic Litigation Campaign is another program through which the Helsinki Foundation initiates or joins important court and administrative actions hoping to reach an important verdict that will change the existing practices or legal provisions which affect human rights.

16. (SBU) The Association of Legal Intervention runs the "Watch 24" program, whose main goal is to improve the standards of treatment of detainees, in particular with respect to their rights and freedoms. The program includes legal counseling for detainees, monitoring and

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analyses of legal problems raised by detainees, and monitoring detention facilities. The Association also runs a program of individual interventions in cases when the human rights are threatened or violated, including letters of complaint to the European Committee for the Prevention of Torture (ECP).

17. (SBU) There are a number of smaller organizations with a narrower scope of action, including The Other Space Foundation which operates a "Polish Tibet Support Group" and the Polish-Burma Solidarity Group, whose main goal is to lobby Polish authorities and inform the public about human rights conditions in Burma. Clear Harmony Poland is an NGO associated with the Chinese Falun Gong movement. The organization provides daily reports on allegations of persecution against Falun Gong members in China. The Free Belarus Initiative is an NGO that assists political prisoners in Belarus. Its activities include preparing packages for political prisoners, organizing concerts, distributing wristbands (expressing support for democratization in Belarus), and establishing a fund for victims of persecution.

SECRET PRISON ALLEGATIONS

18. (SBU) Allegations about the existence of CIA secret prisons in Poland continue to be a subject of NGO attention, media scrutiny, and public debate. Since 2005, international and Polish media have speculated about the presence of a secret CIA prison in northern Poland, where between 2002 and 2005 terrorists were allegedly subjected to torture and other inhuman treatment. Successive Polish governments have repeatedly denied the allegations. In March 2008 the Warsaw Public Prosecutor's office initiated an investigation into the allegations, and in June 2008, the investigation was moved to the National Public Prosecutor's office and given the highest priority. The investigation is ongoing.

19. (SBU) In reaction to these allegations, the Helsinki Human Rights Foundation launched a program "Observatory of CIA Activity in Poland" in December 2007. Its aim is to gather information on alleged cases of interrogation and torture of terrorist suspects on Polish territory. In April 2009, AI Poland launched a campaign

appealing for transparent investigation into alleged secret detention centers in Poland. The campaign began with a demonstration in front of the Prime Minister's office in Warsaw and continued with a letter-writing campaign to Prime Minister Tusk urging him to make public all the findings and methods of government investigations on the subject. The campaign is a part of an international AI initiative aimed at discovering whether European countries facilitated the illegal detention and/or transfer of terrorist suspects.

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